IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1343 OF 2002
IN
SUMMARY SUIT NO.4494 OF 1999

Narendra M. Kinger and others Plaintiffs

versus

Sadiq M. Shekhani and others Defendants

S.U.Chabria for plaintiffs

None for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th June 2005

PC :

1. No useful purpose will be served by adjourning the matter inasmuch as this Court protected the rights of the defendants at an ad-interim stage by directing the deposit of entire decreetal amount in this Court. This Notice of Motion is taken out to set aside an ex-parte decree in the summary suit. That decree is passed on 2nd April 2002. That is passed at the hearing of the Summons for Judgement.

2. The manner in which the matter was conducted

at the Summons for Judgement stage and even now not availing of the liberty given by this Court, demonstrates that the defendants are not interested in having the decree set aside. Notice of Motion is dismissed.

(S.C.DHARMADHIKARI, J.)